IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8137 of 2004

Between:

Syed Hameed Ali @ Hammu, S/o.Syed Mohammed Ali,
R/o.H.No.18-8-228/A/31-B1, Khalendunagar,Hyderabad.

..... PETITIONER

AND

1 The Inspector of police, Santoshnagar, Hyderabad.
2 The Asst.Commissioner of police, Malakpet Division, Hyderabad.
3 Commissioner of police, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the action of respondents in opening a rowdy sheet in June 99 and continuing it as unconstitutional and consequently direct the respondents to close the rowdy sheet after declaring that the respondents can not continue to keep open the rowdy sheet against the petitioner and pass.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 8137 of 2004

ORDER:

This writ petition is filed to declare the action of the respondents in opening the rowdy sheet against the petitioner and continuing it since 1999 as unconstitutional and for a consequential direction to the respondents to close the rowdy sheet against the petitioner.

The respondents in their counter affidavit stated that a rowdy sheet which was opened against the petitioner in the year 1986 was closed in 1998. When the petitioner was found involved in unlawful activities, the rowdy sheet was reopened on 16-06-1999 as per the orders of the 2nd respondent.

Questioning the same, the petitioner filed W.P.No.14831 of 1999, which was disposed of on 11-11-1999 at the stage of admission, holding that there is no reason to order for closure of the rowdy sheet. But the respondents were directed not to compel the petitioner to come to the police station nor police can visit his house unless cognizable offence is registered against him. When the said rowdy sheet was in operation, three more crimes were registered. Cr.No.80 of 2002, which was registered for the offence under Sections 365, 384, 506 read with 34 IPC of Mirchowk police station was closed as 'False", on 15-07-2002. In Cr.No.204 of 2003 registered for the offence under Section 41 (1) (a)/110 Cr.P.C of Santoshnagar police station, the petitioner was bound over for keeping good behaviour for a period of one year, on 04-09-2003 and in Cr.No. 75 of 2004 registered for the offence under Sections 41 (1) (a)/110 Cr.P.C., of Santoshnagar police station, the petitioner was bound over for keeping good behavior for a period of one year, on 24-03-2004 by the Special Executive Magistrate, Nampally, Hyderabad. It is also stated in the counter affidavit that except on two occasions during the Ganesh Festiaval, 2000 and General Elections 2004 the petitioner was never compelled to attend the police station nor detained in the police station at any point of time.

In view of the same, the petitioner is at liberty to make a representation to the Assistant Commissioner of Police, Malakpet Divison, Hyderabad, for closure of rowdy sheet within a period of four weeks from today from the date of receipt of a copy of this order and on making such representation, the Assistant Commissioner of Police, Malakpet Division shall consider the same at the time of renewal of rowdy sheet and if there are no other cases registered,

necessary orders should be passed on the said representation and intimate the result of the same to the petitioner.

The writ petition is accordingly disposed of.

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kvr 16th July, 2004

To

1 The Inspector of police, Santoshnagar, Hyderabad.
2 The Asst.Commissioner of police, Malakpet Division, Hyderabad.
3 Commissioner of police, Hyderabad.

4 Two C.Cs to G.P. for Home, High Court Buildings, High Court

of A.P., Hyderabad (OUT)

5. Two C.D.Copies